

JAN 30 2009

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## FAX TRANSMISSION

Date: January 30, 2009  
 To: Examiner E. Pico GAO 3654 U.S. Patent and Trademark Office  
 Fax: 571-273-8300  
 From: William J. Clemens  
 Re: 16565

We are transmitting a total of 37 pages (including cover sheet).  
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COMMENTS: Please see the following Request for Corrected Notice of Allowability with attachments for filing in the patent application S/N 10/677,989. Thank you.

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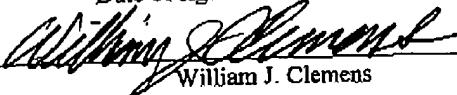
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By \_\_\_\_\_



William J. Clemens

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PETER SPIESS	)	Group Art Unit: 3654
	)	
Serial No.: 10/677,989	)	Examiner: E. PICO
	)	
Filed: October 2, 2003	)	Attorney Docket: 16565
	)	
For: DOOR WITH SLIDING DOOR LEAF	)	Confirmation No.: 9067
AND WITH GUIDE MEANS	)	

January 30, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY**

Honorable Sir:

Applicant requests a corrected Notice of Allowability confirming that all certified copies of priority documents have been received. The Notice of Allowability mailed November 4, 2008 stated that "None" of the certified copies of priority documents have been received.

Where there is a dispute as to the contents of correspondence submitted to the Office, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document purported to have been filed with the correspondence at issue) that the Office received and misplaced any document that is not among the official records of the Office. (See MPEP § 513, Section VII, emphasis added).

Applicant hereby submits evidence that the certified copy of the priority document was received by the Office. The file maintained by Applicant's attorney evidences transmittal of a

certified copy of the priority document on October 2, 2003 with the application to be filed. Attached is a copy of the Utility Patent Application Transmittal form printed from PAIR showing an accompanying "Certified Copy of Priority Document(s)" indicated by an "X" in the box for item 14. Also attached is a copy of the return postcard filed under MPEP § 503 showing inclusion of the priority document. Finally, attached is a copy of the "Certificate" cover page from the certified copy of the priority document. A copy of the "Certificate" cover page is in the file according to the standard practice of Applicant's attorney at the time of filing the application.

Applicant also thanks Examiner Pico and Supervisory Examiner Cuomo for the courtesy extended to Applicant's attorney, Jacob M. Ward, Reg. No. 56,754, at the telephonic interview on January 29, 2009. Pursuant to the interview, attached is a copy of the priority document that has been downloaded from the European Patent Office. Also attached is a copy of a Request to Retrieve Electronic Priority Application(s) filed on January 29, 2009, requesting that the Office retrieve an electronic copy of the priority document. As instructed during the interview, Applicant's attorney will be contacting the Examiner to confirm that the receipt of the enclosed evidence is sufficient for the Examiner to issue a corrected Notice of Allowability confirming that all certified copies of priority documents have been received.

The attached evidence convincingly supports the conclusion that a certified copy of the priority document was filed with the application on October 2, 2003. Another certified copy of the priority document has been requested. Applicant requests issuance of a corrected Notice of Allowability confirming that a certified copy of the priority document has been received.

Respectfully submitted,



\_\_\_\_\_  
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PTO/SB/05 (11/00)

Approved for use through 10/31/2002. OMB 0651-0032

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<b>UTILITY</b> <b>PATENT APPLICATION</b> <b>TRANSMITTAL</b> <i>Only for new nonprovisional applications under 37 CFR 1.53(b)</i>		Attorney Docket No. 16565 First Inventor or Application Identifier Peter Spiess Title Door with Sliding Door Leaf and with Guide Means Express Mail Label No. EL 975498059 US	
<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents</i>		<b>MAIL STOP PATENT APPLICATION</b> Commissioner for Patents <b>ADDRESS TO:</b> P. O. Box 1450 Alexandria, VA 22313-1450	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)  <i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status.  <i>(See 37 CFR 1.27)</i></p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 15]  <i>(preferred arrangement set forth below)</i></p> <ul style="list-style-type: none"> <li>— Descriptive title of the Invention</li> <li>— Cross References to Related Applications</li> <li>— Statement Regarding Fed sponsored R&amp;D</li> <li>— Reference to sequence listing, a table, or a computer program listing appendix</li> <li>— Background of the Invention</li> <li>— Brief Summary of the Invention</li> <li>— Brief Description of the Drawings <i>(if filed)</i></li> <li>— Detailed Description</li> <li>— Claim(s)</li> <li>— Abstract of the Disclosure</li> </ul> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 4]</p> <p>5. Oath or Declaration [Total Pages 2]       <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))  <i>(for continuation/divisional with Box 18 completed)</i>  <i>[Note Box 5 below]</i></li> </ul> </p> <p><b>DELETION OF INVENTORS</b></p> <p>i. <input type="checkbox"/> Signed statement attached deleting inventor(s) named in the prior application, see CFR §§ 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:</p> <p><input type="checkbox"/> Continuation    <input type="checkbox"/> Divisional    <input type="checkbox"/> Continuation-in-part (CIP)</p> <p>Prior application information: Examiner _____ of prior Application No. _____ / _____ Group/Art Unit _____</p> <p>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>			
<b>ACCOMPANYING APPLICATION PARTS</b>			
<p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; documents)</p> <p>10. <input type="checkbox"/> 37 CFR 53.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney  <i>(when there is an assignee)</i></p> <p>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)  <i>(Should be specifically itemized)</i></p> <p>15. <input checked="" type="checkbox"/> Certified Copy of Priority Document(s)  <i>(If foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Request and Certificate under 35 U.S.C. 122(b)(2)(B)(i).          Applicant must attach Form PTO/SB/35 or its equivalent</p> <p>17. <input type="checkbox"/> Other: _____</p>			

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label 04859 <small>PATENT TRADEMARK OFFICE</small>		<input type="checkbox"/> Correspondence address below	
Name	William J. Clemens, Esq.		
Address			
City	Telephone	734/542-0900	Zip Code
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Name (print/type)	William J. Clemens	Registration No. (Attorney/Agent)	26,855
Signature	William J. Clemens		
	Date	October 2, 2003	

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SERIAL NO. \_\_\_\_\_ CASE NO. 16565  
 (INVENTION/2003)

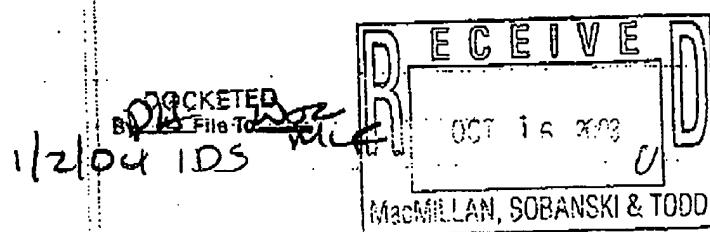
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APPLICANT(S): PETER SPIESSTHE PATENT OFFICE MAIL ROOM DATE STAMP HEREON  
 ACKNOWLEDGES RECEIPT OF THE FOLLOWING ITEMS:

<input checked="" type="checkbox"/> Patent Application ( <u>15</u> pages)	<input type="checkbox"/> Amendment
<input checked="" type="checkbox"/> Drawing(s) ( <u>4</u> sheets)	<input type="checkbox"/> Information Disclosure Stmt.
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